



RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371

U.S. Application No.
09/890,900
International Application No.:
PCT/GB00/00462
I.A. Filing Date:
10 February 2000
First Named Inventor:
Gatherar
Attorney's File No.:
FMCE-P067

Date: December 27, 2002

To: Assistant Commissioner for Patents      From: Henry C. Query, Jr.  
Box PCT      504 S. Pierce Avenue  
Washington, DC 20231      Wheaton, IL 60187, U.S.A.  
Tel./Fax: 630-260-8093

Dear Sir or Madam:

In response to the Notification of Missing Requirements dated September 13, 2001, a copy of which is enclosed, enclosed is a signed Declaration of the inventors. Also enclosed is a Credit Card Payment Form (PTO 2038) in the amount of 130.00 in payment of the surcharge required under 37 CFR 1.492(e).

In response to the requirement in the Notification for an additional claim fee of \$162.00, please note that on January 11, 2002, applicants filed a Preliminary Amendment deleting the multiple dependencies from the claims. As a result of this Preliminary Amendment, the application now contains a total of 25 claims, a total of 3 independent claims, and no multiple dependent claims. Consequently, the total additional claim fee should be \$90.00. However, upon entering this application into the national phase in the U.S., applicants paid an additional claim fee of \$862.00. Thus, contrary to owing an additional claim fee of \$162.00, applicants are owed a refund of \$772.00. (Applicants filed a Request for Refund of Fees on January 11, 2002, to which the Office has yet to respond). Therefore, applicants respectfully submit that no additional claim fee is due in response to the Notification of Missing Requirements.

Respectfully submitted,

  
Henry C. Query, Jr.  
Reg. No. 35,650  
Attorney for Applicants

Certification under 37 CFR 1.10 (if applicable)

EU745338614US
Express Mail mailing number

December 27, 2002
Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, DC 20231.


Signature of person mailing correspondence

Henry C. Query, Jr.
Typed or printed name of person mailing correspondence

Although the undersigned is now aware that the Notification of Missing Requirements was mailed on September 13, 2001, the undersigned never received said Notification.

However, the undersigned did continue to diligently prosecute this application. On January 11, 2002, the undersigned filed a Request for Refund of Fees, a Preliminary Amendment and an Information Disclosure Statement. These items were duly received by the PTO, as evidenced by the enclosed copy of an accompanying return receipt postcard showing the PTO's date stamp thereon.

However, the undersigned never received a response to the above-noted Request for Refund of Fees. In fact, the next correspondence which the undersigned received from the PTO was the Notification of Abandonment dated December 3, 2002, which the undersigned received on December 11, 2002, as evidenced by the enclosed copy of the same showing the undersigned's date stamp thereon.

Thus, the undersigned first learned of the Notification of Missing Requirements on December 11, 2002, when he received the Notice of Abandonment. Furthermore, upon receipt of the Notice of Abandonment, the undersigned telephoned Ms. India Evans of the PTO to request a copy of the Notification of Missing Requirements. Accordingly, the undersigned first received a copy of the Notification of Missing Requirements on December 20, 2002, as evidenced by the enclosed copy of the same showing the undersigned's date stamp thereon.

The undersigned is the only attorney of record in this application. In addition, the undersigned is a solo practitioner who personally receives all incoming correspondence from the PTO. Therefore, the undersigned represents that, if the Notification of Missing Requirements was delivered to the undersigned's place of business around September 13, 2001, the undersigned would have personally received the same.

The undersigned therefore represents that he never received the Notification of Missing Requirements around September 13, 2001, and in fact did not receive it until December 20, 2002. The undersigned cannot speculate as to why he did not receive the Notification of Missing Requirements around September 13, 2001. However, one possibility is that the Notification was lost in the mail due to the disruption in the Postal Service in the days following the events of September 11, 2001.

Based on the foregoing, the undersigned submits that the cause of the delay in responding to the Notification of Missing Requirements was unavoidable, and that the entire delay in responding to the said Notification was unavoidable.

Accordingly, the undersigned respectfully requests that the Commissioner grant this petition.

Respectfully submitted,



Henry C. Query, Jr.  
Reg. No. 35,650  
Attorney for Applicants

HENRY C. QUERY, JR.

Patent Attorney At Law



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

O I P E

DEC 27 2002

PATENT &amp; TRADEMARK OFFICE

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890900	GATHERAR	FMCE-P067
RECEIVED		INTERNATIONAL APPLICATION NO.
DEC 20 2002		PCT/GB00/00462
Henry C. Query, Jr.		I.A. FILING DATE      PRIORITY DATE
		10 FEB 00      11 FEB 99

DATE MAILED:

13 SEP 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.  Indication of Small Entity Status.
- Copy of the international application.  Translation of the international application into English.
- Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
- Copy of Article 19 amendments.  Other:
- Priority Document.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.

2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee.  Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. *Dec 2002 was signed*
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ 162.00 as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917

Notice of Defective Translation

PTO-875

PCT/DO/EO/920

Indja Evans

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-2936

**BEST AVAILABLE COPY**



Please Date Stamp and Return

U.S. Patent Application No. 09/890,900  
Entitled: SUBSEA COMPLETION APPARATUS  
Inventor(s) Gatherar, et al.

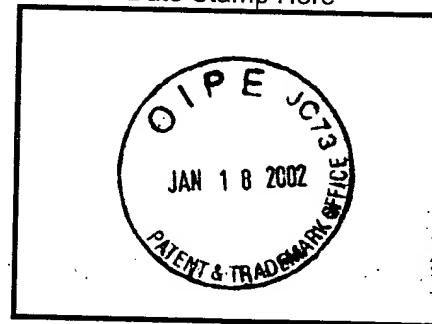
Enclosed:

- Transmittal Letter (2 pages)
- Certificate of Mailing (1 page)
- Request for Refund of Fees (2 pages)
- Preliminary Amendment (10 pages)
- Information Disclosure Statement
- Copies of cited references

JC03 Rec'd PCT/PTO 18 JAN 2002

Dated: January 11, 2002  
Attorney Docket No.: FMCE-P067 US

Date Stamp Here



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DEC 27 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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INTERNATIONAL APPLICATION NO.		PCT/GB00/00462
I.A. FILING DATE		PRIORITY DATE
02/10/2000		02/11/1999

Henry C Query JR  
 504 S Pierce Avenue  
 Wheaton, IL 60187

**RECEIVED**

DEC 11 2002

*Henry C. Query, Jr.*

Date Mailed: 12/03/2002

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 09/13/2001 within the time period set therein.

CONFIRMATION NO. 9640

371  
ABANDONMENT/TERMINATION  
LETTER

\*OC00000009188879\*

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.494, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

INDIA L EVANS

Telephone: (703) 305-2936

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

**BEST AVAILABLE COPY**